

**TENNESSEE BOARD OF PODIATRIC MEDICAL EXAMINERS  
MINUTES**

**DATE:** July 15, 2005

**TIME:** 9:00 A.M.

**LOCATION:** Room 133  
First Floor, Cordell Hull Building  
Nashville, TN

**BOARD MEMBERS**

**PRESENT:** Aaron Perkins, DPM, Chair  
David Long, DPM  
Kathryn Riffe, DPM  
Shannon Bottoms, Consumer Member

**BOARD MEMBERS**

**ABSENT:** Berkeley Nicholls, DPM

**STAFF PRESENT:** James Hill, Board Administrator  
Nicole Armstrong, Advisory Attorney  
Rick Agee, Unit Director  
Barbara Maxwell, Administrative Director  
Stacy Lannan, Administrative Assistant

Dr. Perkins, chair, called the meeting to order at 8:58 A.M. A sufficient number of board members were present to constitute a quorum.

**Review Minutes**

Upon review of the February 24, 2005 minutes, Dr. Long made a motion, seconded by Ms. Bottoms, to approve the minutes as written. The motion carried.

**Conflict of Interest**

Ms. Armstrong reviewed the conflict of interest policy with the board asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest. Ms. Armstrong stated that if a board member does have a conflict of interest they must recuse him/herself and leave the hearing room during the discussion and vote. Ms. Armstrong asked the board members to sign the conflict of interest statement and return it to Mr. Hill.

### **Office of General Counsel Report**

Ms. Armstrong reviewed the Office of General Counsel Report stating Rule 1155-2-.15 regarding orders of compliance and modification, personal appearances by disciplined licensees came into effect May 31, 2005.

Ms. Armstrong stated that Rule 1155-2-.02, .04, .08, .12, .22, regarding the elimination, ordering of lab tests by Podiatrists, and continuing education for Podiatrists performing ankle surgery is being reviewed by the Attorney General.

Ms. Armstrong stated that Rule 1155-2-.04, .05, .08, .14; 1155-3-.01 regarding criminal background checks for initial applicants for licensure and exam language is scheduled for a roll call vote for today's meeting.

Ms. Armstrong stated the Office of General Counsel currently has eight (8) open files pertaining to the Board of Podiatric Medical Examiners, involving six (6) Podiatrists.

### **Investigative Report**

Ms. Armstrong reviewed the investigative report stating there are currently three (3) open cases. Out of the three, one (1) was sent to OGC and the other two (2) are still in investigations.

### **Disciplinary Report**

Ms. Armstrong reviewed the disciplinary report stating there is one (1) practitioner currently being monitored. Ms. Armstrong said following the report is a history of Podiatrists who have been disciplined by the board.

Mr. Agee discussed how complaints are handled in investigations.

### **Financial Report**

Mr. Agee reviewed the financial report stating there is a cumulative carryover from June 30, 2005. Mr. Agee said an updated report will be available at the next board meeting.

### **Administrative Report**

Mr. Hill reviewed the administrative report with the board stating Podiatrists have 214 active licensees, 95 retired and 140 failed to renew, Podiatric X-Ray Operators have 135 active licensees, 4 retired and 41 failed to renew. Mr. Hill gave the board members a month to month total of newly licensed, reinstatements and retired Podiatrists and Podiatric X-Ray Operators.

Mr. Hill reminded the board to encourage all applicants to use the internet to renew their license. Mr. Hill also reminded the board to submit all travel requests 120 days prior to the event for possible approval. Mr. Hill said that the move to Metro Center will be on or around

September 1, 2005. Mr. Hill stated that one issue that needs to be addressed at today's meeting is to select board meeting dates for the year of 2006.

### **Kevin Wright, Tennessee Technology Access Project**

Mr. Wright introduced himself to the board stating that he is the Executive Director of Tennessee Technology Access Project (TTAP). Mr. Wright stated that TTAP provides Tennesseans who have disabilities with comprehensive information related to assistive technology. Mr. Wright said TTAP's mission is to maintain a statewide program of technology-related assistance that is timely, comprehensive and consumer driven to ensure that all Tennesseans with disabilities have the information, services and devices they need to make choices about where and how they spend their time as independently as possible.

Dr. Perkins stated that they have a Podiatry Association meeting and he will bring it before the association.

### **Jerry Kosten, Rules Coordinator**

Mr. Kosten said a rule making hearing was conducted on July 7, 2005 regarding Rule 1155-2-.04, .05, .08, .14; 1155-3-.01, licensure process which states that each applicant shall cause to be submitted to the Boards administrative office directly from the vendor identified in the Boards licensure application materials, the result of a criminal background check.

Dr. Long made a motion, seconded by Dr. Riffe, to adopt the rule as amended. A roll call vote was conducted and all board members voted in the affirmative. The motion carried.

The board discussed a bill in legislation which allows health related boards to use a screening panel. Ms. Bell said the screening panel is nominated by the board members and has the same authority as the board. The screening panel would hear complaints from those persons who have agreed to have their complaints heard before the panel and would make a decision on those complaints without having OGC involved. If the complainant did not agree with the panel, then the case would be sent to Investigations for their involvement.

Dr. Perkins said this was the first time he had read this and therefore he is not prepared to vote on the screening panel.

Dr. Long stated that if the board accepts the screening panel it will take the board further away from protecting the program.

Dr. Riffe made a motion, seconded by Dr. Long, to table the discussion of the screening panel. A roll call vote was conducted and all board members voted in the affirmative. The motion carried.

The board discussed an amendment to remove the exemption from continuing education for age 65 and over, pursuant to Public Chapter 228.

The board reviewed Rule 1155-2-.03, Necessity of Certification, regarding the use of titles: Any person who possesses a valid, unsuspended and unrevoked license issued by the Board has the right to use the titles and/or initials “Podiatrist”, “Doctor of Podiatric Medicine”, or “D.P.M.” and to practice as a licensed podiatrist, as defined in T.C.A. §§ 63-3-101. Violation of this rule or T.C.A. § 63-3-119 (a) (15) regarding use of titles of shall constitute unprofessional conduct and subject the licensee to disciplinary action.

Upon discussion the board decided they needed to add the following titles to Rule 1155-2-.03: “Podiatric Physician”, “Doctor of Podiatric Medicine and of Surgery” and also “Doctor of Podiatry”.

Dr. Long suggested appointing a committee to look over the rules.

Dr. Perkins stated he will set up a task force to review the rules, and Dr. Riffe agreed to serve on the task force.

Mr. Kosten discussed Chapter 1155-4; a new chapter of rules to regulate Orthotists, Prosthetists and Pedorthists, pursuant to Public Chapter 380.

#### **Review /Approval of Podiatrist & Podiatric X-Ray Operators applications**

Dr. Long made a motion, seconded by Dr. Riffe, to ratify the following applications for licensure as Podiatrists:

**James Allen Sudberry**  
**Bradley Castellano**  
**Dawn Masternick**  
**Nicole Freels (Graf)**  
**James Harris**

The motion carried.

Dr. Long made a motion, seconded by Dr. Riffe, to ratify the following applications for licensure as Podiatric X-Ray Operators:

**Karen Breunig**  
**Tammy Elliott**  
**Tonya Renee Gregory**  
**Melissa D. Harbin**  
**Tamara K. McDonald**  
**Jewel M. Shuler**  
**Terri L. Sudderth**  
**Tiffany Webb**  
**Annie Williams**

The motion carried.

### **Other Board Business**

Dr. Perkins suggested a board member attend the association meeting to explain the new rules.

Ms. Maxwell suggested that the HRB staff could set up a booth at the October Association meeting at the Sheraton in Nashville, Tennessee.

### **Schedule Board Meeting Dates for 2006**

Upon discussion of selecting meeting dates for Fall of 2005, the board decided it would be best to meet September 16, 2005 for cases only and then have another meeting October 6, 2005 for board business.

Upon selecting dates for 2006 meeting the board decided on January 20, 2006; April 7, 2006; June 23, 2006 and September 29, 2006.

Dr. Perkins requested that a discussion regarding reciprocity be placed on the October 6, 2005 board meeting agenda.

With no other business to conduct, Dr. Long made a motion, seconded by Ms. Bottoms, to adjourn the meeting at 12:05 P.M. The motion carried.

JAH/G4045271/PODmin